

Message Text

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ACTION IO-10

INFO OCT-01 ARA-06 ISO-00 AF-06 EA-06 EUR-12 NEA-09 RSC-01

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FM USMISSION USUN NEW YORK

TO SECSTATE WASHDC 8829

INFO AMEMBASSY SANTIAGO

USMISSION GENEVA

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E.O. 11652: N/A

TAGS: SHUM, CI, UN

SUBJ: 31ST HUMAN RIGHTS COMMISSION: INFORMAL WEO

MEETING

REF: USUN 076

1. SUMMARY: WEO'S INFORMALLY AGREE TO TRY TO WORK OUT
BALANCED RESOLUTION ON CHILE FOR HRC. KEY QUESTION IS
OBTAIN GOC ACCEPTANCE OF SOME FORM OF FACT FINDING
GROUP. MISSION SUGGESTS DEPT AUTHORIZE AMEMBASSY SANTIAGO
TO APPROACH GOC THIS ISSUE. END SUMMARY.

2. SECOND INFORMAL MEETING OF HRC WEO'S (ITALY, NETHERLANDS,
AUSTRIA, FRANCE, FRG, UK AND US) HELD JAN 17 AND FOCUSED
ON CHILE PROBLEM. INITIAL CANVAS OF OPINIONS INDICATED
GREAT SIMILARITY OF VIEWS, I.E., NEED TO AVOID SOVIET
POLITICIZATION OF ISSUE AND TO MAINTAIN WEO UNITY, NEED
FOR BALANCED RESOLUTION THAT WOULD INTER ALIA TAKE NOTE
OF IMPROVEMENTS IN SITUATION. BELIEF THAT UNBIASED STUDY
BEST PROCEDURE AND THAT GOAL OF EXERCISE SHOULD BE TO
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ENCOURAGE RATHER THAN CONDEMN GOC. ITALIAN AND UK REPS

EMPHASIZED, HOWEVER, THAT IN FACE OF DOMESTIC PUBLIC OPINION, THEIR REPS WOULD HAVE TO SUPPORT ANY RESOLUTION CONDEMNING CHILE. RESULTANT CONSENSUS WAS THAT EFFORT SHOULD BE MADE TO DRAFT RESOLUTION EMBODYING WEO INTERESTS AND IF POSSIBLE ACCEPTABLE TO GOC. GENERAL FEELING THAT WEO'S IN STRONGER NEGOTIATING POSITION IN HRC THAN IN 29TH UNGA AND THEREFORE WOULD NOT HAVE TO COMPROMISE TEXT IN COURSE OF SESSION.

3. FACT FINDING GROUP IS CORE OF WEO THINKING AND BASIC QUESTION THIS REGARD IS WHETHER IT POSSIBLE TO WORK OUT FORMULA ACCEPTABLE TO GOC. FOUR POSSIBILITIES SUGGESTED: (A) AD HOC WORKING GROUP (UK), PERHAPS COMPOSED OF REPS OF COUNTRIES HAVING DIPLOMATIC RELATIONS WITH CHILE (FRG); (B) ONE-MAN MISSION APPOINTED BY SYG (NETHERLANDS, FRG); (C) EXPANDING MANDATE OF 5-MAN SOUTH AFRICA AD HOC WORKING GROUP (NETHERLANDS); AND (D) INTER-AMERICAN COMMISSION ON HUMAN RIGHTS (US). OTHER WEO'S EXPRESSED INTEREST IN IACHR ROUTE BUT DOUBTED THAT IT WOULD BE ACCEPTABLE TO CHILE GIVEN GOC REACTION TO REPORT.

4. ATTACHED IS POSSIBLE DRAFT RESOLUTION PREPARED BY UK REP IN HIS PERSONAL CAPACITY AND FURTHER REVISED AT MEETING. OP PARA 1 BASED ON UK SUGGESTION BUT IT AGREED THAT MODALITY OF FACT FINDING STILL AN OPEN QUESTION. PARTICIPANTS AT MEETING AGREED TO QUERY HOME GOVTS ON (1) ACCEPTABILITY OF APPROACH OUTLINED ABOVE, INCLUDING SUGGESTIONS ON WORDING OF RESOLUTION, (2) MODALITY OF FACT FINDING GROUP, AND (3) WHERE, WHEN AND HOW OF OBTAINING CHILEAN APPROVAL.

5. DUTCH AND FRG REPS SAID THAT THEY HAD INFORMALLY SOUNDED OUT CHILE UN MISSION ON POSSIBILITIES OF INVESTIGATORY GROUP AND, IN GENERAL, GOC PLANS ON HANDLING ITEM IN HRC. CHILEAN MISSION REPORTEDLY DEFERRING TO SANTIAGO BUT DID SAY DOOR NOT ENTIRELY CLOSED TO INVESTIGATORY GROUP. RATHER GOC WILL DECIDE ON AD HOC BASIS WHICH INDIVIDUALS TO ALLOW IN.

6. COMMENT: US MISSION BELIEVES IT CLEARLY IN OUR INTERESTS LIMITED OFFICIAL USE

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TO SUPPORT WEO EFFORTS TO COME UP WITH BALANCED RESOLUTION WHICH, IF POSSIBLE, ENJOYS GOC SUPPORT. GIVEN FACT THAT WEO REPS AT INFORMAL MEETING AS YET UNINSTRUCTED AND DESIRABILITY OF GETTING GOC REACTIONS AS SOON AS POSSIBLE, BELIEVE USG SHOULD TAKE INITIATIVE IN SECURING GOC SUPPORT. ACCORDINGLY IF DEPT CONCURS, RECOMMEND AMEMBASSY SANTIAGO APPROACH GOC TO BRING THEM UP TO DATE ON THESE INFORMAL CONSULTATIONS (INCLUDING INITIAL DRAFT OF RESOLUTION) AND EXPLORE

POSSIBLE FORMULATIONS WHICH WOULD BE ACCEPTABLE TO THEM.
GOC SHOULD CLEARLY UNDERSTAND DIFFICULTY IN MAINTAINING WEO
UNITY THIS ITEM AND, IN GENERAL, GETTING A MODERATE RESOLUTION
THROUGH HRC. IF APPROACH IN SANTIAGO APPROVED, MISSION WOULD
WISH TO ADVISE CHILE UN MISSION ALONG SAME LINES.

QUOTE THE COMMISSION ON HUMAN RIGHTS

NOTING THAT IN RESOLUTION 8 (XXVII) THE SUB-COMMISSION ON
THE PREVENTION OF DISCRIMINATION AND PROTECTION OF MINORITIES
RECOMMENDED THAT THE COMMISSION STUDY THE REPORTED VIOLATION
OF HUMAN RIGHTS IN CHILE, WITH PARTICULAR REFERENCE TO TORTURE,
CRUEL AND INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT;

NOTING ALSO THA THE GENERAL ASSEMBLY ENDORSED THIS RECOMMENDA-
TION IN ITS RESOLUTION 3219 (XXIX);

WELCOMING REPORTS OF CERTAIN IMPROVEMENTS CONCERNING
THE PROTECTION OF HUMAN RIGHTS IN CHILE, IN PARTICULAR WITH REGARD
TO THE RELEASE OF DETAINED PERSONS;

RECOGNIZING THE CO-OPERATION OF THE GOVERNMENT OF CHILE HAS
EXTENDED TO THE ILO AND THE OAS IN THEIR INVESTIGATIONS OF
ALLEGED VIOLATIONS OF HUMAN RIGHTS IN CHILE;

NOTING ALSO THE GOVERNMENT OF CHILE'S READINESS TO ALLOW
NON-GOVERNMENTAL ORGANIZATIONS TO ENTER THE COUNTRY TO INFORM
THEMSELVES OF THE HUMAN RIGHTS SITUATION IN CHILE;

DISTURBED THAT NONETHELESS, VIOLATIONS OF HUMAN RIGHTS IN
CHILE CONTINUE TO BE REPORTED:

1) DECIDES TO ESTABLISH A FIVE MEMBER AD HOC WORKING GROUP OF
EXPERTS, TO BE APPOINTED BY THE CHAIRMAN OF THE COMMISSION ON HUMAN
RIGHTS AFTER CONSULTATION WITH THE REGIONAL GROUPS, TO STUDY
THE REPORTED VIOLATIONS OF HUMAN RIGHTS IN CHILE WITH PARTICULAR
REFERENCE TO TORTURE, CRUEL AND INHUMAN OR DEGRADING TREATMENT
OR PUNISHMENT;

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2) REQUESTS THE GOVERNMENT OF CHILE TO EXTEND ITS CO-OPERATION
TO THE AD HOC WORKING GROUP IN FULFILLING ITS TASK;

3) REQUESTS THE AD HOC WORKING GROUP TO SUBMIT ITS REPORT
TO THE COMMISSION ON HUMAN RIGHTS AT ITS 31ST SESSION. UNQUOTE
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